



February 22, 2008

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## ENGROSSED SENATE BILL No. 83

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DIGEST OF SB 83 (Updated February 20, 2008 2:18 pm - DI 96)

**Citations Affected:** Noncode.

**Synopsis:** Reports from the Indiana criminal justice institute. Requires the Indiana criminal justice institute to prepare a yearly report concerning: (1) probationary and restricted driving privileges for persons holding a commercial driver's license; (2) prosecuting attorney diversion and deferral limitations and the computer system established by the Indiana prosecuting attorney's council; (3) e-citations; (4) ignition interlock programs and other alcohol monitoring systems and other alcohol abuse deterrent programs; and (5) procedures and practices regarding license suspensions or granting of restricted or probationary licenses for persons holding a commercial driver's license or for the arrest or conviction of persons concerning a violation of certain alcohol related offenses. Provides that the reporting ends January 1, 2014. (The introduced version of this bill was prepared by the interim study committee on transportation matters.)

**Effective:** January 1, 2009.

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### Wyss, Arnold, Steele

(HOUSE SPONSORS — TINCHER, BUCK)

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January 8, 2008, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

January 16, 2008, amended, reported favorably — Do Pass.

January 22, 2008, read second time, ordered engrossed.

January 23, 2008, engrossed.

January 24, 2008, read third time, passed. Yeas 48, nays 0.

#### HOUSE ACTION

January 30, 2008, read first time and referred to Committee on Roads and Transportation.

February 21, 2008, amended, reported — Do Pass.

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ES 83—LS 6175/DI 75+



February 22, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 83

A BILL FOR AN ACT concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. [EFFECTIVE JANUARY 1, 2009] (a) As used in this  
2       SECTION, "bureau" means the bureau of motor vehicles created  
3       by IC 9-14-1-1.

4       (b) As used in this SECTION, "council" means the prosecuting  
5       attorneys council of Indiana established by IC 33-39-8-2(a).

6       (c) As used in this SECTION, "e-citation" means an electronic  
7       traffic ticket (as defined in IC 9-30-3-2.5).

8       (d) As used in this SECTION, "institute" means the Indiana  
9       criminal justice institute established by IC 5-2-6-3.

10       (e) As used in this SECTION, "license" means a commercial  
11       driver's license issued according to rules adopted under  
12       IC 9-24-6-2.

13       (f) The institute shall prepare a report that studies the  
14       following:

15               (1) Implementation of P.L.219-2003 (incorporating federal  
16               law regarding probationary and restricted driving privileges  
17               for persons holding a license).

18               (2) Implementation of P.L.176-2005, SECTIONS 19 through

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1       **25 (prosecuting attorney diversion and deferral limitations**  
 2       **and the computer system established by the council).**

3       **(3) Implementation of P.L.206-2007 (e-citations).**

4       **(4) Use in Indiana of:**

5           **(A) ignition interlock programs and other alcohol**  
 6           **monitoring systems such as SCRAM (Secure Continuous**  
 7           **Remote Alcohol Monitor); and**

8           **(B) other alcohol abuse deterrent programs.**

9       **(5) Procedures and practices regarding license suspensions or**  
 10       **granting of restricted or probationary licenses for:**

11           **(A) persons holding a license; or**

12           **(B) the:**

13               **(i) arrest of a person alleged to have; or**

14               **(ii) conviction of a person who has;**

15               **committed a violation of IC 9-30-5.**

16           **(g) To the extent available and permissible, the institute may**  
 17       **consult with and use records of the bureau, the council, and the**  
 18       **judicial technology and automation committee of the supreme**  
 19       **court.**

20           **(h) The institute shall transmit the compiled report to the**  
 21       **legislative council in an electronic format under IC 5-14-6 not later**  
 22       **than November 1 of each year.**

23           **(i) This SECTION expires January 1, 2014.**

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## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 83, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 4, after "to" insert ":

(1)".

Page 1, line 6, delete "." and insert **"committed by a person holding a commercial driver's license; or**

**(2) a felony or misdemeanor relating to the operation of a motor vehicle committed by a person who does not hold a commercial driver's license."**

and when so amended that said bill do pass.

(Reference is to SB 83 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 6, Nays 0.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 83, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, delete "'council" refers to the prosecuting attorneys council of" and insert **"bureau" means the bureau of motor vehicles created by IC 9-14-1-1.**

**(b) As used in this SECTION, "council" means the prosecuting attorneys council of Indiana established by IC 33-39-8-2(a).**

**(c) As used in this SECTION, "e-citation" means an electronic traffic ticket (as defined in IC 9-30-3-2.5).**

**(d) As used in this SECTION, "institute" means the Indiana criminal justice institute established by IC 5-2-6-3.**

**(e) As used in this SECTION, "license" means a commercial driver's license issued according to rules adopted under IC 9-24-6-2.**

**(f) The institute shall prepare a report that studies the following:**

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**(1) Implementation of P.L.219-2003 (incorporating federal law regarding probationary and restricted driving privileges for persons holding a license).**

**(2) Implementation of P.L.176-2005, SECTIONS 19 through 25 (prosecuting attorney diversion and deferral limitations and the computer system established by the council).**

**(3) Implementation of P.L.206-2007 (e-citations).**

**(4) Use in Indiana of:**

**(A) ignition interlock programs and other alcohol monitoring systems such as SCRAM (Secure Continuous Remote Alcohol Monitor); and**

**(B) other alcohol abuse deterrent programs.**

**(5) Procedures and practices regarding license suspensions or granting of restricted or probationary licenses for:**

**(A) persons holding a license; or**

**(B) the:**

**(i) arrest of a person alleged to have; or**

**(ii) conviction of a person who has;**

**committed a violation of IC 9-30-5.**

**(g) To the extent available and permissible, the institute may consult with and use records of the bureau, the council, and the judicial technology and automation committee of the supreme court.**

**(h) The institute shall transmit the compiled report to the legislative council in an electronic format under IC 5-14-6 not later than November 1 of each year."**

Page 1, delete lines 3 through 18.

Page 2, delete lines 1 through 33.

Page 2, line 34, delete "(f)" and insert "(i)".

and when so amended that said bill do pass.

(Reference is to SB 83 as printed January 17, 2008.)

AUSTIN, Chair

Committee Vote: yeas 10, nays 0.

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